

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

PATTON et al.

APPLICATION No.: 10/612,376

FILED: July 1, 2003

FOR: **METHODS AND COMPOSITIONS FOR THE
PULMONARY DELIVERY OF INSULIN**

EXAMINER: Gollamudi S. KISHORE

ART UNIT: 1612

CONF. No: 3703

TERMINAL DISCLAIMER

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Nektar Therapeutics, of 100 percent interest in the above-identified patent application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 7554, Frame 0378, on July 10, 1995; by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 021595, Frame 0688, on September 26, 2008; and by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 013525, Frame 0753, on February 25, 2003, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of United States Patent No. 5,997,848, issued on December 7, 1999 and of United States Patent No. 6,358,530, issued on March 19, 2002.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent

granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

AUTHORITY OF UNDERSIGNED

The undersigned is an attorney or agent of record.

FEE PAYMENT

The Commissioner is hereby authorized and requested to charge the Terminal Disclaimer fee of \$130.00, pursuant to 37 C.F.R. § 1.20 (d), to Deposit Account No. **50-0348**. The Commissioner is also authorized and requested to charge any additional fee(s) or underpayments of fee(s) to Deposit Account No. **50-0348**.

Respectfully submitted,
Nektar Therapeutics

Date: September 29, 2008

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